

MSU 4.1-617  
Appl. No. 10/701,879  
Amdt. Dated: October 24, 2007  
Reply to Office Action mailed August 3, 2007

**REMARKS**

Claims 1, 2, 4-7, 9-15 and 17-22 are pending.

Claims 3, 8, 16 and 23-29 have been cancelled. No claims are allowed.

Claims 4-7 were objected to because of the multiple dependency. Claim 4 has been corrected.

Claims 1, 2, 4-7, 9-15 and 17-22 were rejected under 35 USC 103(a) as being unpatentable over Medoff et al. (U.S. Patent No. 6,207,729) in view of Polovina (U.S. Patent No. 3,637,571) and Sato (U.S. Patent No. 4,619,962). Medoff et al. describes a texturized lignocellulosic material produced by chopping or the like which can be incorporated into a resin as a filler. There is no description of any pre-extrusion of the resin to lower the melting temperature to less than 200°C in order to accommodate mixing of a temperature sensitive filler into the pre-extruded polymer as in Claims 1, 2, 4-7, 9-15 and 17-22. This reference does not even recognize the problem to be solved or the manner in which Applicants solved the problem. The Medoff et al. reference does not provide any link to the secondary references. Polovina at Column 4, lines 36 to 46, describes surface active agents (surfactants) as

dispersed in water for pigments or the like. The disclosed compounds at Column 4, lines 41 to 46, are organic alkali metal salts which are surfactants, not the "metal chloride, bromide or iodide salts" used to lower the melting temperature of the polymer as in independent Claims 1, 10 and 17 which clearly call for the inorganic salts (Claims 10 and 17 include the specific inorganic salts) which are not surfactants in the claimed process and are very different from organic surfactants of Polovina.

Sato has been discussed previously. The process of this reference uses the disclosed salts in a reaction to produce a new polymer (Column 1, lines 7 to 11). In Applicants' process, the polymer is already preformed and dried before the salt is added to lower the melting temperature. The reference does not have any specific reason to believe that the salts have an effect on the melting point of the polyamide intermediate or the compatibility of the synthetic rubber polymer as stated at Column 2, lines 43 to 47.

Thus, there is no *prima facie* basis for the rejection of the claims based upon the combination of references. None of the references even remotely suggest

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the claimed invention. The claims have been amended to clearly reflect the invention. Reconsideration is requested.

Claims 1 and 4-7 were rejected as being unpatentable over Hartman et al. (U.S. Patent No. 3,947,255) in view of Polovina (U.S. Patent No. 3,637,571). Hartman et al. is concerned with extruding fireplace logs at 200° to 400°F. The lithium salts are used to produce color in a flare. There is no concern about the melting point of the polymer. Polovina describes again surfactants. Wax paper is used as part of the binder, since it burns well. There is no resemblance to the claimed compositions in this combination of references. Reconsideration of this rejection is requested.

Dependent Claim 9 was rejected under 35 USC 103(a) as being unpatentable over Hartman et al. (U.S. Patent No. 3,947,255) and Polovina (U.S. Patent No. 3,637,571) in view of McCoy et al. (U.S. Patent No. 3,346,352). Claim 9 relates to a glass fiber or a high melting temperature polymer as a filler. The first two (2) references have been discussed previously. McCoy et al. relates to a fire starting composition containing wax

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and glass fibers. It is not seen that this reference does anything to further the rejection except show that glass fibers are in polymer compositions and old. The McCoy et al. reference does not add anything to Hartman et al. or Polovina. These references do not suggest the claimed invention to one skilled in the art. Reconsideration is requested.

Claims 10, 12, 13, 14 and 15 were also rejected under 35 USC 103(a) as unpatentable over Hartman et al. (U.S. Patent No. 3,947,255) in view of Polovina (U.S. Patent No. 3,637,571). These references have been discussed. They do not suggest the claimed invention. Reconsideration is requested.

Claims 11-14 were rejected under 35 USC 103(a) as being unpatentable over Hartman et al. (U.S. Patent No. 3,947,255) in view of Polovina (U.S. Patent No. 3,637,571) and in further view of Medoff et al. (U.S. Patent No. 6,207,729). All of these references have been discussed. There is not any suggestion of the specific salts as set forth in Claim 10 and the subsequent dependent claims. Reconsideration of this rejection is requested.

Claim 17 was rejected under 35 USC 103(a) as

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being unpatentable over Hartman et al. (U.S. Patent No. 3,947,255; Polovina (U.S. Patent No. 3,637,571) in view of and further in view of McCoy et al. (U.S. Patent No. 3,346,352). These references have been discussed previously. The patentability of this claim is based upon Claim 10. Reconsideration of this rejection is requested.

Claim 20 was rejected under 35 USC 103(a) as being unpatentable over Hartman et al. (U.S. Patent No. 3,947,255); Polovina (U.S. Patent No. 3,637,571) in view of and further in view of Medoff et al. (U.S. Patent No. 6,207,729). These references have been discussed previously. Claim 20 limits the specific fibers which are not disclosed in the references in the context of the process claimed. Reconsideration is requested.

Claim 22 was rejected under 35 USC 103(a) as being unpatentable over Hartman et al. (U.S. Patent No. 3,947,255); Polovina (U.S. Patent No. 3,637,571) in view of and further in view of McCoy et al. (U.S. Patent No. 3,346,352). These references have been discussed previously. Glass fibers as fillers are known but not in the context of the process claimed. Reconsideration of this rejection is requested.

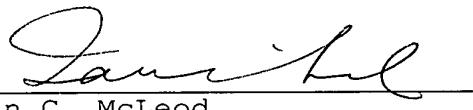
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Thus, the independent Claims 1, 10 and 18 relate to a two step process. The first step lowers the melting point of the pre-dried polymer with a metal bromide, chloride or iodide salt in a range of 2.5 and 5% by weight of the polymer. This step is not involved in forming the polymer as in Sato where one has a guess as to why the salt enhances the formation of the polymer. The salts of Hartman et al. (Column 5, lines 21 to 23) are added for color of the flames which is remote from the claimed invention. None of the references alone or in combination, absent hindsight based upon Applicants' disclosure, would suggest the claimed invention to one skilled in the art under 35 USC 103(a).

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It is now believed that Claims 1, 2, 4-7, 9-15  
and 17-22 are in condition for allowance. Notice of  
Allowance is requested.

Respectfully,

  
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